

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GREGORY KELLY,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT, *et al.*,

Defendants.

Case No. 2:12-cv-02074-LRH-CWH

ORDER

This matter is before the Court on Plaintiff's Discovery Plan and Scheduling Order (#29), filed March 4, 2013.

Plaintiff's proposed discovery plan does not comply with Local Rule 26-1(d), which requires a plaintiff to initiate the Rule 26(f) conference "within thirty (30) days after the first defendant answers or otherwise appears." The parties are required to submit a stipulated discovery plan and scheduling order within fourteen days after the Rule 26(f) conference. LR 26-1(d). A pending dispositive motion is not, standing alone, sufficient to curtail or limit the requirement that parties participate in a Rule 26(f) conference. *See Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 600-01 (D. Nev. 2011) ("The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending."). Plaintiff is instructed to initiate the Rule 26(f) conference. The parties are reminded that the failure "to participate in good faith in developing and submitting a proposed discovery plan" may result in sanctions. *See Fed. R. Civ. P. 37(f)*.

Based on the foregoing and good cause appearing therefore,

IT IS HEREBY ORDERED that Plaintiff's Plaintiff's Discovery Plan and Scheduling

1 Order (#29) is **denied without prejudice**.

2 DATED this 5th day of March, 2013.

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5 **C.W. Hoffman, Jr.**
6 **United States Magistrate Judge**
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